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This article expands on some policy implications excluded for space and relevant audience reasons from the 1971 ABS article, "Citizen Involvement in the Law Enforcement Process" written at the same time. It remained current in 2020 when I happened upon it in clearing archival cobwebs. The context today is conceptually muddier than in the 1960s, --less clearly defined only by race and there is greater heterogeneity within groups such as police, protesters and counter-protesters. It is less clear just how the varied citizen groups in the streets should be identified and the policing contexts are also more varied.

FURTHER THOUGHTS ON COMMUNITY POLICE PATROLS :

IMPLICATIONS FOR POLICY

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In an earlier paper, Marx and Archer (1970) discuss issues related to the emergence and operations of community police patrols, or self-defense groups. The groups are interpreted as an effort toward alternatives to institutional law enforcement, which may be seen as inadequate or undesirable by some communities. Self-defense groups are discussed as a special form of the increasing demand for citizen participation in the planning, control, and delivery of the services which affect them.

The authors develop a four-cell typology of self-defense groups, combining the two factors of (a) the group's theory of police failure (whether the groups see their role as supplemental or adversarial to the police), and (b) the police response to the group (encouragement and non-interference or opposition and suppression). Marx and Archer also report some of the results of a survey of 28 community police patrols, some in each of the four types of groups.

The authors report that many of the groups (particularly Type 3 and Type 4 groups--those which are adversarial to the police) experience short organizational lives. Marx and Archer analyze some of the forces which work against the viability of community police patrols: (a) the ambiguity (or, in some cases, the hostility) of their relationship to the police, (b) their problematic legitimacy in the eyes of the communities they wish

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to serve, (c) problems in the recruitment, management, and training of appropriate personnel, (d) the problem of finding meaningful operations, and (e) the difficulty of maintaining resources and incentives for the survival of the group.

For those interested in policy formation, the study of community police patrols raises several issues of critical importance. Some of these may be:

1. What is the source of community police patrol groups, particularly in terms of the motivation of group members? What do group members hope to accomplish, and to what lack or shortcomings of existing police operations do they address themselves? What kinds of communities are most likely to generate patrol groups? And, more specifically, what neighborhoods are most likely to generate the different types of patrol or self-defense groups?
2. What, in fact, can the groups accomplish? Given that the goals of the groups are consistent with law, what types of goals can they in fact achieve? What are the limitations constraining the achievements of the groups?

3. What legal framework can the groups operate in?

What are the lawful rights of non-deputized citizens in law enforcement and order maintenance? And, even more important, what are the constraints? Can the groups operate, and still protect the constitutional rights of other citizens? What are the liabilities of the group--e.g., does the danger of tort actions for wrongful death or injury effectively prevent citizen participation in active law enforcement or order maintenance?

4. How should police departments respond to community police patrols and self-defense groups when citizens organize them? Could some relatively agreed-upon criteria for citizen mobilization be developed to aid police and citizens in the generation of mutually improved enlargements of the citizen's role? Are there different types of citizen mobilization which would be most appropriate to different cities, different neighborhoods, and different police departments?

5. What sort of structural changes could be made in the law enforcement system to institutionalize reasonable forms and levels of citizen involvement? That is,

how can citizen willingness to participate in law enforcement be designed to (a) increase the subjective sense of participation in and influence over aspects of law enforcement, and (b) increase the responsiveness of law enforcement to the concerns of citizens? Would the creation of an intermediary level between that of ordinary citizen and that of policeman solve some of these problems? Are existing housing project-type patrol groups a prototype for this kind of citizen participation? If they are, what are some of the trade-offs--e.g., is the increase in personal responsibility felt by citizens for, say, their own housing project undercut by a decline in the quality or professional level of the services they require? If police-citizen cooperation increases as civilians take up some of the patrolling or order-maintenance functions, is this gain off-set by an accompanying increase in corruption, non-lawful discretionary non-enforcement?

6. What are some of the envisioned consequences of a police failure to include the involvement of willing and qualified citizens? If police fail to include citi-

zens in the planning, control, and operation of law enforcement services, will the present gap between the police and some citizens continue to enlarge? Will the legitimacy of the patrolman continue to decline in some communities--will he continue to be regarded as a soldier in an occupying army at worst, or a disinterested person unconnected from the concerns of people who are his responsibility at best?

Although we are yet some distance from adequate answers to all the policy questions raised by enlarged citizen participation in law enforcement, some tentative lines of inquiry may be emerging. Much additional research remains to be done (some of which is outlined in this paper), and the authors hope to arrive at more serviceable conclusions through some research currently underway. A preliminary discussion of each of the policy-related areas may illustrate the approach which the authors believe best suited to reaching policy answers.

I. THE SOURCE OF CITIZEN MOBILIZATION

Citizens mobilize for both adversarial and supplemental policing activities for a heterogeneous range of reasons. But all of them have one element in common: included in the raison d'etre of the group's formation is the premise that conventional

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police have failed to give their community what it wants. As pointed out in an earlier paper (Marx and Archer, 1970), the supplemental groups tend to see police as essentially good men handcuffed from within and overwhelmed from without. Their function, derived from their theory of police failure, is generally one of multiplying police resources--but in a way that does not change the fundamental properties of the police-civilian relationship. In short, supplemental groups desire an inflation of police control.

Adversarial groups, on the other hand, have as one purpose the introduction of change into the police-civilian relationship in their communities. Frequently, the adversarial groups in our survey were precipitated by community outrage over acts of police intimidation, violence, discourtesy, or even homicide. Adversarial groups, unlike supplemental groups, are addressing themselves not only to technical issues of policing (manpower, operations, etc.), but also to issues of police legitimacy. Where supplemental groups never question the right of people who are currently police to have authority over their communities, adversarial groups do. For adversarial groups, the "police problem" is one which changes in operations are unlikely to solve. Given the theoretical features of adversarial groups, it is perhaps not surprising

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that their emergence has been most frequent in minority communities where the "outsider" qualities of police are most visible.

Despite their radical differences, supplemental and adversarial groups both organize because the police are not giving them what they want. One interpretation--certainly the one favored by journalists and popular writers--is that community police patrols are serious alternativistic institutions. In this view, the emergence of community police patrols is seen as potentially signalling the end of conventional law enforcement in some communities. In this view, the emergence of the groups is interpreted as a replacement for the police.

However, our research suggests that the significance of the groups may be somewhat more complex. We have found that few of the groups survive, for many of the organizational, legal, and motivational problems discussed in an earlier paper. Partly for this reason, we would suggest that the groups are used by communities to bargain for what they want in the way of law enforcement changes. In addition to their face value meaning as alternate institutions, that is, we are interpreting the self-defense groups as a form of demand on the law enforcement system.

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The effectiveness of this type of demand rests on a number of conditions. Perhaps the most important of these is the widespread resistance of police departments to what they perceive as vigilante-type actions. A recent example of the bargaining nature of self-defense groups occurred in late June, 1970, in Brockton, Massachusetts. When a group of citizens organized to apply for gun permits to protect their homes from a wave of housebreaks, city officials met to discuss the lack of adequate police protection. In response to the self-defense initiative of the citizens, the chief of police promised to ask the mayor for additional men and for overtime pay to extend the number of police man-hours in the city (Boston Evening Globe, June 30, 1970, p.3).

The Brockton case is an example of the use of the threat of vigilante-type action by "supplemental" citizens to pressure police departments (and, of course, city officials) to provide additional funds and support for expanded police operations. Although it is somewhat less intuitive, the use of self-defense operations (or the threat of operations) by adversarial groups may also be seen as having the component of making a demand on the formal police system.

For example, in the case of the Los Angeles CAP group and the Boston youth patrols (both discussed in an earlier

paper), one of the principle purposes of the groups was not to replace the police (if only because they did not think replacement was a realistic goal), but to force changes in police operations. In both cases, one of the prime concerns involved the use of excessive police force in making arrests. In response, the groups attempted to film arrests--to keep the police under some level of community control through insuring answerability.

If this interpretation of citizen mobilization as a form of bargaining, or of demanding reform, with police departments is correct, it has a number of interesting implications. For one thing, it enlarges the criteria for success of the groups. Groups which succeed in manipulating the changes in police operations which they see as desirable may be successful--whether or not their patrolling or other activities are long-lived.

In the Brockton example, the citizens will have been successful if the number of police man-hours in their neighborhood increases. In the case of the L.A. CAP group and the Boston youth patrol, the groups will have been successful if the incidence of injuries in arrested suspects declines.

This interpretation of citizen mobilization around the issue of law enforcement may be compatible with other sources

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of citizen mobilization (in housing authorities, Model Cities Boards, school committees, etc.) in that they illustrate the concept that institutions will only respond to active citizen pressure in making changes. That view of social change may be winning adherents. In the case of citizen mobilization in law enforcement, its implications may be that citizen self-defense groups are not necessarily trying to replace police, but only to change them in the direction which their communities desire.

In terms of policy implications, then, it is clear that much can be learned about the sources of citizen mobilization by attending to their announced purposes. In the cases included in our survey, it was often the case that the official response to citizen mobilization was derived from general principles--e.g., "that citizens should leave policing to the police" or "let them join the auxiliaries if they are interested".

If the groups are instead interpreted with respect to specific cities and conflicts as a form of grievance mechanism, then the groups might serve as a valuable source of ideas for innovation and, particularly in the case of adversarial groups, reform.

It may be that police accommodation (a redistribution of police resources in the case of supplemental groups; and reform in the case of adversarial groups) will diminish the organizational possibilities of the self-defense groups, if only by undercutting the intensity of the grievance which prompted the group's formation. If no effort at accommodation is undertaken, however, it is likely that continued or increased grievance levels will witness at least the formation of some form of self-defense group. Whether the group survives, of course, is determined more by the in-put it receives (in terms of pay, encouragement, charismatic leadership, and legitimacy) than by the felt deprivations which were its occasion.

Another source of self-defense groups is lack of money. The groups are the poor man's response to conditions of disorder and threat. The rich man's response to analogous conditions involves the purchase of either architectural security, private police forces, dogs and protective equipment, or some additive combination of these.¹ It may also be that the well-to-do, even without equipment or manpower purchases, are better able to muster the political influence to win a relatively larger share of existing police resources.

1. We are grateful to Lee Rainwater for this distinction.

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Appropriate Research:

One approach to understanding the source of citizen mobilization in this area might be to study the conditions under which the groups disband. In specific, it would be important to learn whether the citizens disband (a) because their demands are being met by police changes, or (b) because of police opposition, or (c) because of other, internal reasons. From the policy perspective, it would be critical to learn whether police-civilian relations are best under condition (a) above--when the police change to respond to the grievance source of the citizen mobilization.

II. WHAT CAN THE GROUPS ACCOMPLISH?

As discussed above, the accomplishments of the groups can apparently be of two qualitative types: (a) direct accomplishments in the line of group operations (arrests, crime rate reductions, fewer incidents of police excess, etc.), or (b) innovations in police operations which are precipitates of the group's formations.

In an earlier paper, Marx and Archer suggested that the most enduring contributions of surviving patrol groups appear to fall into Type 1 of their descriptive analysis--groups which are supplemental in orientation and

unless the police are assured of extensive control over the group's recruitment and operations. Effectively, then, deputization is a possibility for only Type 1 and Type 3 groups--but unlikely in all cases, since deputization would bring about some measure of police responsibility for group operations.

One of the possible structures which, at the present time, does not exist might be the creation of something like a "para-police". The para-police might be given territorial responsibility for order-maintenance in, say, a given neighborhood. The group could be recruited with somewhat different admissions criteria (perhaps a non-felonious criminal record could be waived for membership) from residents of the patrolled community. They might patrol without firearms, to minimize the chance of wrongful death. In their work, they might receive procedural supervision from a specially trained police-community relations police officer. Although much additional thought would have to enter into the creation of the para-police, it may be that their role and operations would be an analogue to that of para-medical personnel in medicine. That is, the para-police would receive training from the police, and would be responsible to bona fide police; but would be salaried and given substantial levels of on-the-beat responsibility.

Appropriate Research:

One of the best ways to learn about the problems of legal definitions, extents, and limitations on citizen roles is to examine those cases in which legal questions have arisen. We are currently working from our data collected in the survey of self-defense groups (Marx and Archer, 1970) to discover whether instances of civilian abuse of authority resulted in court cases and criminal proceedings. We are collaborating in this endeavor with legally trained researchers.

The other approach to researching this question is to examine the problems and profits which have accrued from actual efforts to implement new legal definitions of the civilian's role in law enforcement. In a number of cities, police departments and citizen's groups have worked toward increased involvement of civilians in different phases (and with different levels of responsibility) of law enforcement. An evaluation of these experimental efforts may provide the most useful analysis of what the best possible type of "para-police" role would involve.

IV. HOW SHOULD POLICE DEPARTMENTS RESPOND TO CIVILIAN MOBILIZATION?

Our survey of self-defense groups discovered a wide range of police responses to civilian mobilization efforts. In some cities, police resistance to civilian participation in law enforcement was unequivocal. In these cases, police officials interviewed resisted civilian participation as either inherently unlawful, or else unavoidably incompetent. In these cities, police resistance to citizen mobilization was not differentiated by type of mobilization.

However, in other cities, police response seemed determined more by ad hoc considerations. Three of the most important of these were: (a) the existing conditions of order in the city, (b) the specific civilians involved, and (c) the proposed operations. To cite an example, in one Southern city, police approved of a civilian self-defense operation because (a) there was an on-going civil disorder, (b) the volunteers were white, and (c) the proposed operation was a short-time armed patrol of stores in the city's commercial district. It is critical to point out that, given the same conditions, police officials in other cities have acted differently--indicating the effect of department-to-department and chief-to-chief variation.

Our research also suggests that police response to the groups may involve irrational elements in addition to valid

criticisms. In several interviews, police officials were clearly offended by the mere existence of citizen mobilization--and interpreted it as insulting to their professional capacities. There was also some suggestion that police in some cities resented the encroachment of non-police on their monopoly over authority in certain neighborhoods. This situation of police-civilian competition was particularly frequent in the case of Type 3 groups (adversarial and tolerated, if only for a short term, by the police) which emerged in riot situations. The police interviewed tended to disparage what others might interpret as the successes of the groups--this was particularly true in cases where civilians were successful in "cooling" imminent disorders after police had failed to do so and been withdrawn. The tensions between Type 3 groups and the police seems to be rooted in rivalry and competition--and the tension inevitably ends in the dissolution of the groups, since the police have latent power over civilians, and civilians have almost none over the police.

In some cases of police opposition to citizen mobilization, police were critical of the groups on the basis of their operations. It is one of the most intriguing ironies uncovered by our survey that there is apparently some form of circularity

in the critical perceptions which adversarial group civilians and the police have about one another. The qualities which the police found objectionable in the self-defense groups are precisely those qualities which adversarial citizens find objectionable in the police: excessive force, violence, arrogance, and the violation of the rights of other citizens. This mirror-image situation, in addition to its irony, may contain some instruction about problems which are inherent to the exercise of authority by one citizen (policeman or civilian) over another.

Of course, at the present time, police misbehavior is given relative immunity under existing notions of latitudes of error. Civilian misbehavior, as discussed above in the section on legal limitations, is given no such protection. According to the police we spoke with in one northeastern city, a leader of one self-defense group killed a man while trying to prevent him from stealing a car. The police described the death as a "murder", but it is not difficult to imagine that the same act, committed by a police officer, would be judged "justifiable homicide". (in another northeastern city, the killing of a 14-year-old car thief by a policeman after the youth had left the stolen car was recently excused as accidental).

Other police objections to citizen self-defense groups take the form of ad hominem arguments. In addition to criticism of the operations of self-defense groups, police object to the quality of self-defense personnel. In particular, police often suggest that self-defense group personnel (most frequently, in Type 3 and Type 4 groups) are themselves past or current criminals. While this argument has, in some cases, some validity, it is also true that it is within the power of the police to make the statement true after the fact--something like a self-fulfilling prophecy. In one case, to justify their assertion that patrol members in their city were criminally unfit to police anybody, police officials said that since their patrol activities, 80% of the patrol members had subsequently been arrested. An explanation which is at least as plausible as the "criminally unfit members" theory might be one suggesting that the police harass those of whom they disapprove.

Police response to citizen mobilization will be most successful when the special properties of individual mobilization are taken into consideration. Some origins of civilian self-defense efforts are, as suggested above, found in attempts to influence police policy. Some of the directions of desired influence may be perfectly lawful--as in the case of a demand for increased number or frequency of police patrols, or in the

case of demands for more vigorous efforts to prevent police abuse, etc. In these cases, the best direction in which departments can move is very likely in the direction of the reform advocated by the citizens.

In other cases, particularly where there is a division of opinion in the constituent communities, the best solutions are far from transparently clear. For example, high police officials in Boston approved a proposal for a community patrol of citizens in the predominantly black areas of Mattapan-Dorchester. However, the proposal was subsequently attacked by the Boston NAACP as an effort to give the black community second-class police protection. Particularly where the policing of "difficult" beats is at issue, one of the issues which some citizens may raise will involve the suggestion that police are supporting citizen patrols to absolve themselves of responsibility for a demanding, and sometimes dangerous job.

Appropriate Research:

One of the most valuable contributions to be made in this area would involve the drafting of tentative guidelines to assist individual cities in responding to the emergence of citizen mobilization efforts. Presumably, the guidelines would include a number of variables, some of which might be:

(a) the announced purpose(s) of the mobilization, (b) intended operations, (c) background and qualifications of members, (d) willingness to cooperate with police department instruction, (e) knowledge of or willingness to learn about appropriate legal constraints, (f) the existing conditions of law enforcement and order maintenance in the proposed target communities, (g) the degree to which the proposed citizen activity is compatible with majority interests in the target communities, etc.

On the basis of their research into self-defense groups, the authors are interested in trying to formulate some type of guideline to inform policy-makers on the conditions for successful police-community cooperative efforts.

V. WHAT SORT OF STRUCTURAL CHANGES COULD BE MADE IN THE LAW ENFORCEMENT SYSTEM TO INSTITUTIONALIZE REASONABLE FORMS AND LEVELS OF CITIZEN INVOLVEMENT ?

Many of the issues involved in this policy question have already been discussed in the section on legal frameworks above. From the policy perspective, perhaps the most important questions in the area of institutional change are those which address themselves to the gains and losses of different innovations.

For example, while it is probably true that community patrol groups made up of "para-police", or even of police

recruited from the local neighborhoods, would command a greater knowledge of local problems and concerns, it is probable that this increase in sensitivity might be accompanied by some attendant losses. For example, if different communities within a given neighborhood have law enforcement according to some local practices, will outsiders passing through be subject to conflicting law enforcement fiefdoms? What are the conflicts of particularistic law enforcement practices with universalistic standards of justice?² What will be the conflicts between the order maintenance forces of adjacent, but culturally dissimilar communities? Will discretionary non-enforcement increase, and will this violate the will of a majority of the citizens in the local neighborhoods? To what extent will the legitimacy of local law enforcement groups be increased if they continue to turn suspects over to systems of justice and incarceration external to the community?

Appropriate Research:

Policy formation in this area can perhaps be best facilitated with a detailed examination of what the trade-

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2. Of course, one of the criticisms of existing law enforcement is that poor people, blacks, and students sometimes suffer from particularistic types of law enforcement under the present system, and that only the rich and the white now benefit from particularism.

offs, gains and losses, of a wide range of police departmental innovations, and of a wide range of citizen mobilizations would be. The authors are currently working on an analysis of the issues, problems, and prospects of several different types and levels of citizen involvement in law enforcement.

VI. WHAT ARE SOME OF THE ENVISIONABLE CONSEQUENCES OF A POLICE FAILURE TO INCLUDE CITIZENS?

In the case of "supplemental" citizens, the failure either to respond to citizen demands, or to facilitate some level of citizen participation can lead to essentially political consequences. For example, enough "supplemental" citizens in any given city can presumably influence at least some features of police operations through political pressure--such as community efforts to devote larger shares of local and federal monies to police work. Other features of police operations, presumably, are less amenable to the pressures of "supplemental" citizens. For example, a recent survey asked people what increments in police powers they would endorse "if the crime rate continues to go up". Of those interviewed, 73% favored requiring all adults to be fingerprinted; 50% favored the stopping and searching of anybody on suspicion; 27% favored searching a house without a warrant (Gallup poll, Newsweek, March 8, 1971).

The consequences of a failure to respond to or include "adversarial" citizens are likely to be more unfortunate, if less political in the conventional sense of the word. That is, unless ways are found to increase the participation, influence, and control of citizens in law enforcement matters in those neighborhoods which generate Type 3 and Type 4 groups, it is virtually certain that the law enforcement situations in those communities will deteriorate. Unless institutional law enforcement is able to respond to "adversarial" communities with reforms which assure those communities of protection from the police, as well as by them, it is highly likely that civilian respect for the police--without which effective law enforcement and order maintenance are impossible--will not increase.

It is hoped that through research into the six related policy questions discussed briefly in this paper, that a useful contribution can be made toward enlightened policy formation in an era of increasing citizen demand for participation in the design and delivery of law enforcement services.

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